

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/528,084 ; PCTUS2005/008705	
	Filing Date	3/15/2005	
	First Named Inventor	MAX FRIEDHEIM	
	Art Unit	UNKNOWN	
	Examiner Name	S.Y. PAIK	
Total Number of Pages in This Submission	45	Attorney Docket Number	1776-013 (PCT)

**ENCLOSURES** (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: PETITION TO THE DIRECTOR FOR VACATING AND WITHDRAWING ERRONEOUS PURPORTED NOTIFICATION OF ABANDONMENT; EXHIBITS; DECLARATION OF APPLICANT'S ATTORNEY IN SUPPORT OF PETITION (37 CFR 1.181); RETURN POSTCARD		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	JOSEPH R. EVANNS	EVANNS & WALSH
Signature		
Date	NOVEMBER 24, 2006	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. VIA EXPRESS MAIL No. ED 045088285 US MAIL STOP PCT OFC LEGAL ADMIN.			
Typed or printed name	JOSEPH R. EVANNS		
Signature			Date
			11/24/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>1776-013 (PCT)</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/528,084</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US05/08705</b>	INTERNATIONAL FILING DATE <b>03/15/2005</b>	PRIORITY DATE CLAIMED <b>03/15/2004</b>
TITLE OF INVENTION <b>IMPROVED HIGHLY SUPERHEATED VAPOR GENERATOR AND METHOD</b>		
APPLICANT(S) FOR DO/EO/US <b>MAX FRIEDHEIM</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/528,084</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US 05/08705</b>	ATTORNEY'S DOCKET NUMBER <b>1776-013 (PCT)</b>
20. Other items or information: <b>PETITION TO THE DIRECTOR FOR VACATING AND WITHDRAWING ERRONEOUS PURPORTED NOTIFICATION OF ABANDONMENT; EXHIBITS: DECLARATION OF APPLICANT'S ATTORNEY IN SUPPORT OF PETITION; POSTCARD</b>		
The following fees have been submitted		<b>CALCULATIONS      PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>		
All other situations..... <b>\$200</b>		
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>		
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b>		
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b>		
All other situations..... <b>\$500</b>		
<b>TOTAL OF 21, 22 and 23 =</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	/50 =	x \$250
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x \$ 50
Independent claims	- 3 =	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL =</b>		\$
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$
		Amount to be refunded: \$
		Amount to be charged \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Joseph R. Evanns  
EVANNS & WALSH  
119 North San Vicente Blvd., Ste 206  
Beverly Hills, CA 90211

SIGNATURE

Joseph R. Evanns

NAME

25,676

REGISTRATION NUMBER

EXPRESS MAIL NO.  
ED 04088285 US  
MAILED 11/24/06

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE (PCT)**

In Re Application of:

MAX FRIEDHEIM

International Application  
No.: PCT/US 2005/008705

I.A. FILING DATE: 03/15/2005

PRIORITY DATE: 03/15/2004  
U.S. APPLICATION No.: 10/528,084

FOR: IMPROVED HIGHLY  
SUPERHEATED VAPOR GENERATOR  
SYSTEM AND METHOD

To: Director of Patents  
PCT OFFICE OF LEGAL ADMINISTRATION  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
MAIL STOP PCT

PETITION TO THE DIRECTOR FOR  
VACATING AND WITHDRAWING  
ERRONEOUS PURPORTED  
NOTIFICATION OF ABANDONMENT;  
EXHIBITS; DECLARATION OF  
APPLICANT'S ATTORNEY IN SUPPORT  
OF PETITION [37 CFR 1.181]

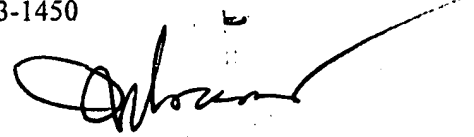
Express Mail<sup>®</sup> mailing label No. ED 045088281US

Date of Deposit 11/24/06

I hereby certify that this paper or fee is  
being deposited with the U. S. Postal  
Service "Express Mail Post Office to  
Addressee", under 37 CFR 1.10 on the

~~date indicated above in an envelope addressed to:~~  
Director of Patents

PCT Office of Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop PCT



Sir: This is a petition to vacate an erroneously issued purported Notification of Abandonment mailed 09/27/2006 in the within PCT Patent Application, a true, correct, and complete copy of which erroneous Notification of Abandonment is annexed hereto and incorporated by reference herein as Exhibit 1.

1. INTRODUCTION AND STATEMENT OF FACTS.

As shown in Exhibit 2 ( a true, complete and correct, copy of a paper mailed 18 May 2005 from the International Bureau concerning the subject patent application entitled "Important Notification"), the instant International patent application was filed 15 March 2005 with United States as Examining Office. The priority date claimed was the filing date of the U.S. Patent Application, 15 March 2004. The U.S. Serial No. was 60/553,576, for a provisional patent application.

As shown on page 2 of Exhibit 2, the applicable time limit for entering the national phase is thirty (30) months from the priority date. Accordingly, the time limit for entering into the national phase for the subject international patent application is thirty (30) months from 15 March 2004 namely, 15 September 2006.

Accordingly, Applicant filed on September 12, 2006 via Express Mail a  
TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A  
SUBMISSION UNDER 35 USC 371 stating the election of the United States  
for the National Phase, paying the required full U.S. Basic National Fee of

\$900.00, filing a preliminary amendment, and enclosing a return postcard. A true, correct and complete copy of said filing (hereinafter occasionally referred to as the "National Phase Transmittal") including said TRANSMITTAL LETTER, check No. 7953 in the amount of \$900.00, Preliminary Amendment, and return postcard filed 9/12/06 is attached hereto and incorporated by reference herein as Exhibit 3.

Attached hereto and incorporated by reference herein as Exhibit 4 is a true, correct and complete copy of the Express Mail Customer Copy attesting to Express mailing on 9/12/06 of said National Phase Transmittal.

As shown by the U.S. Postal Service record, said National Phase Transmittal was received on 9/13/2006 at 9:09 A.M. in Alexandria, VA 22213 on behalf of the PTO by Sidney R. Dyar in the Delivery Section. See Exhibit 5 attached hereto and incorporated by reference herein comprising a true, complete and correct copy of a fax transmission to Applicant's attorney dated October 4, 2006, from the U.S. Postal Service attesting to the above-stated delivery/receipt.

As shown in Exhibit 1, however, an erroneous purported "Notification of Abandonment" for alleged failure to "provide the full U.S. Basic National Fee by 30 Months" was mailed on 09/27/06.

As stated in the appended Declaration of Joseph R. Evanns, Applicant's attorney, numerous telephone calls were made to PCT personnel in order to resolve the matter without the necessity of a formal petition. One of these telephone calls were made to the signatory of Exhibit 1, Patricia A. Booker, whose telephone No. is (703) 308-9140, Ext. 204 who never picked up the telephone but was on voicemail promising to return the call within one (1) business day. On October 30, 2006, a telephone message was received from Ms. Booker and transcribed by Applicant's attorney's assistant, Linda Enriquez. A true correct and complete copy of the 10/30/06 transcribed telephone message from Ms. Booker is attached as Exhibit 6 hereto and incorporated by reference herein. In the message of 10/30/06 Ms. Booker stated that the U.S. Basic National Fee was allegedly received 10/12/06 and that this was the basis for the abandonment of the Application. Applicant's attorney's office has been unable to obtain further elucidation from Ms. Booker as to the delay in her receipt of the check for the U.S. Basic National Fee which per Exhibit 5 was received in the PTO on 9/13/2006 and per USPTO Rule was deemed filed on



9/12/06 the date the package was deposited in Express Mail. Bank records disclose that the U.S. Basic National Fee Check No. 7953 was negotiated by the PTO on 9/18/2006. A true, correct and complete copy of said check as negotiated by the PTO is attached hereto and incorporated by reference herein as Exhibit 7 (showing front and back).

Attached hereto and incorporated by reference herein as Exhibit 8 is the date-stamped return postcard enclosed in said National Phase Transmittal showing receipt of said National Phase Transmittal as of "12 SEP 2006." Also shown on Exhibit 8 is the U.S. Application Serial No. 10/528,084 stamped on the postcard by the PTO.

## II. POINTS AND AUTHORITIES.

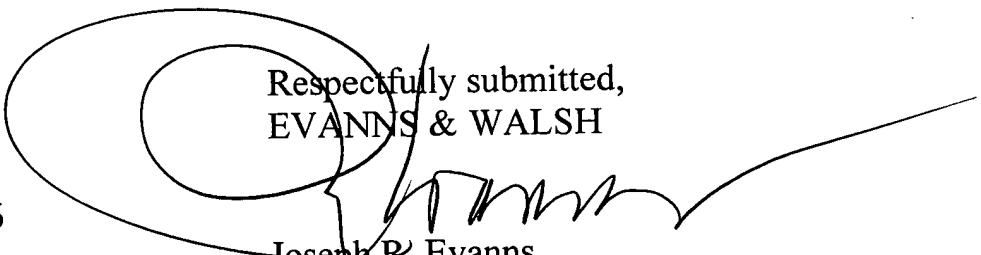
The applicable time limit for entering the national phase is 30 months from the priority date. See Exhibit 2, Important Notification, page 2. The priority date being 15 March 2004, the deadline for entering into the national phase for the instant PCT application is 15 September 2006. The submitted evidence establishes that entry into the National Phase with required paperwork and U.S. Basic National Fee, was accomplished on 9/12/06 - - three (3) days prior to the

expiration of the 30-month period - - when the National Phase papers and check were deposited into Express Mail.

### III. CONCLUSION.

On the basis of the foregoing it is respectfully submitted that the erroneous purported Notification of Abandonment mailed 09/27/2006, a true copy of which is annexed hereto and incorporated by reference herein as Exhibit 1, be rescinded and vacated and removed from the file of this case and that the instant application should be reinstated in the U.S. National Phase.

Dated: November 22, 2006



Respectfully submitted,  
EVANNS & WALSH

Joseph R. Evanns  
Reg. No. 25,676  
Attorney for Applicant

EVANNS & WALSH  
119 North San Vicente Blvd., Ste 206  
Beverly Hills, CA 90211  
Tel: (310) 273-0938  
Fax: (323) 651-3027  
Email: [JRevanns@concentric.net](mailto:JRevanns@concentric.net)

**DECLARATION OF JOSEPH R. EVANNS IN SUPPORT OF APPLICANT'S PETITION  
FOR VACATING ERRONEOUS PURPORTED NOTIFICATION OF ABANDONMENT.**

Joseph R. Evanns, hereby declares under penalty of perjury as follows:

1. My name is Joseph R. Evanns. I am an attorney duly licensed to practice before all courts in the State of California, before the United States District Court for the Central District of California, numerous Federal District and Appellate Courts, and before the United States Patent and Trademark Office with Registration No. 25,676. My address is 119 North San Vicente Blvd., Beverly Hills, California 90211. I make this declaration on personal knowledge and have firsthand familiarity with the contents hereof. If called as a witness, I could and would competently and truthfully testify in accordance herewith. I am Attorney for the Applicant Max Friedheim concerning the instant PCT patent application. I make this Declaration in support of Applicant's petition to the Director to vacate the erroneous purported Notification of Abandonment issued 09/27/2006 herein. (Exhibit 1 annexed to the Petition).

2. On or about October 2, 2006, my office received a document from the United States Patent and Trademark Office in connection with the within PCT patent application entitled "Notification of Abandonment," a true, correct, and complete copy of which is annexed to the within Petition as Exhibit 1.
3. In or about May 2005, this office received a PCT Notice entitled "Important Notification" acknowledging the priority date of 15 March 2004 and setting out a 30-month period therefrom (expiring 9/15/06) for entering into the National Phase. A true, correct, and complete copy of said PCT Notice is attached to the Petition and incorporated by reference therein as Exhibit 2.
4. On September 12, 2006, three (3) days prior to the PCT National Phase deadline, my office filed on behalf of Applicant via Express Mail papers for entry into the National Phase in the U.S. Patent and Trademark Office comprising a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNED/ELECTED OFFICE DO/EO/US) CONCERNING A SUBMISSION UNDER 35 USC 371 stating the election of the United States for the National Phase, filing a Preliminary Amendment and

enclosing Check No.7953 in the amount of \$900.00 for the U.S. Basic National Fee, accompanied by a return postcard. A true, correct and complete copy of the foregoing transmittal (hereinafter occasionally referred to as the "National Phase Transmittal") is attached to and incorporated by reference in the within Petition as Exhibit 3. Attached to and incorporated by reference in the within Petition as Exhibit 4 is a true, correct and complete copy of the Express Mail Customer copy attesting to Express Mailing on 9/12/2006 of said National Phase Transmittal. Exhibit 5 attached to and incorporated by reference in the within Petition comprises a true, complete and correct copy of a fax transmission to my office dated October 4, 2006 from the U.S. Postal Service attesting to delivery/receipt in the PTO of said National Phase Transmittal on 9/13/2006 at 9:09 A.M.

5. Upon receiving the purported Notification of Abandonment of Exhibit 1, I promptly attempted to contact by telephone the person named as the issuer of Exhibit 1 namely Patricia A. Booker at telephone (703) 308-9140, ext. 204. Each time the aforesaid number was called, by me (or my assistant, Linda Enriquez) there was a voicemail message stating that Patricia Booker was unavailable but would return the call within one

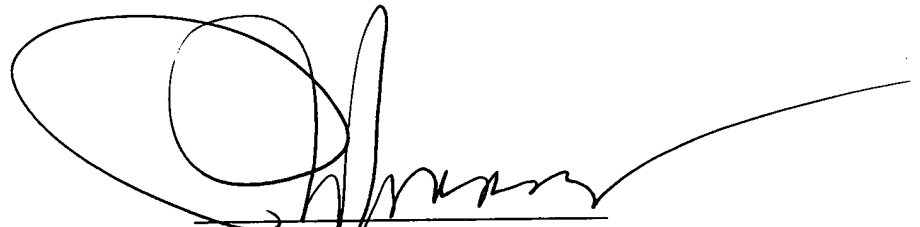
business day. On October 30, 2006 a telephone message was received from Ms. Booker and was transcribed by my Assistant. A true, correct, and complete copy of the 10/30/2006 transcribed telephone message from Ms. Booker is attached to, and incorporated by reference in the within Petition as Exhibit 6. In the message of Exhibit 6, Ms. Booker stated that the U.S. Basic National Fee was allegedly received 10/12/2006 and this was the basis for the abandonment of the application. My office has been unable to obtain further elucidation from Ms. Booker as to the delay in her receipt of the check for the U.S. Basic National Fee. Bank records disclose that the U.S. Basic National Fee check No. 7953 was negotiated by the PTO on 9/18/2006. A true, correct, and complete copy of said check No. 7953 as negotiated by the PTO is attached to and incorporated by reference in the within Petition as Exhibit 7 (showing front and back).

6. The subject PCT patent application was filed 15 March 2005 (see Exhibit 2 annexed to the Petition) claiming a priority date of the earlier filed U.S. application, 15 March 2004.

7. In view of the fact that the time limit for entering the national phase is 30 months from the priority date (as stated in Exhibit 2), the national phase entry deadline is 15 September 2006 and the \$900.00 U.S. Basic National Fee was timely paid on 9/12/06.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed under penalty of perjury this 22nd day of November 2006 at Beverly Hills, California.



Joseph R. Evanns



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/528,084

FIRST NAMED APPLICANT

Max Friedheim

ATTY. DOCKET NO.

1776-013 (PCT)

INTERNATIONAL APPLICATION NO.

PCT/US05/08705

I.A. FILING DATE

03/15/2005

PRIORITY DATE

Joseph R Evanns  
Evanns & Walsh  
119 N San Vicente Blvd  
Suite 206  
Beverly Hills, CA 90211

CONFIRMATION NO. 2284

371  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000020591726\*

Date Mailed: 09/27/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

EXHIBIT **1**





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/528,084		Max Friedheim	1776-013 (PCT)

Joseph R Evanns  
 Evanns & Walsh  
 119 N San Vicente Blvd  
 Suite 206  
 Beverly Hills, CA 90211

CONFIRMATION NO. 2284  
**WITHDRAWAL  
 NOTICE**

Date Mailed: 09/27/2006

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice of Abandonment mailed on 06/13/2005 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
 PART 1 - ATTORNEY/APPLICANT COPY

**EXHIBIT I**

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

EVANNS, Joseph, R.  
Evanns & Walsh  
119 North San Vicente Boulevard  
Beverly Hills, CA 90211  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 19 May 2005 (19.05.2005)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 1776-013(PC)	
International application No. PCT/US05/008705	International filing date (day/month/year) 15 March 2005 (15.03.2005)
International publication date (day/month/year)	Priority date (day/month/year) 15 March 2004 (15.03.2004)
Applicant FRIEDHEIM, Max	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. (If applicable) An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
15 March 2004 (15.03.2004)	60/553,576	US	18 April 2005 (18.04.2005)

EXHIBIT 2

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Giffo Schmitt Beate



5. To enter the European phase before the EPO, the following acts must be performed.  
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)
- 5.1 If the EPO is acting as **designated or elected Office** (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:
- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).  
**If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).**  
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
  - b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
  - c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
  - d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
  - e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).
- If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).
- For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.
- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).
6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.
- All subsequent communications will be sent to the applicant, or - If the EPO is informed of his appointment in time - to the applicant's European representative.**



Date

Sheet 3

Application No. 05725705.7

7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent  
Guide for applicants - Part 2  
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section





P.B.5818 - Patentlaan 2  
2280 HV Rijswijk (ZH)  
☎ (070) 3 40 20 40  
FAX (070) 3 40 30 16

Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

Generaldirektion 1

Directorate General 1

Direction générale 1

EVANNS, Joseph, R.  
Evanns & Walsh  
119 North San Vicente Boulevard  
Beverly Hills, CA 90211  
ETATS-UNIS D'AMERIQUE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

02.08.06

Reference	Application No./Patent No. 05725705.7 - 2301 PCT/US2005008705
Applicant/Proprietor Friedheim, Max	

### Entry into the European phase before the European Patent Office

**These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.**

1. The above-mentioned international patent application has been given European application No. **05725705.7**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

**During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).**

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

**Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.**

3. Applicants with a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.  
**However, in view of the complexity of the procedure it is recommended that they do so.**
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.

EX-3

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>1776-013(PCT)</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US05/08705</b>	INTERNATIONAL FILING DATE <b>03/15/2005</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>60/553,576</b>
TITLE OF INVENTION <b>IMPROVED HIGHLY SUPERHEATED VAPOR GENERATOR AND METHOD</b>		PRIORITY DATE CLAIMED <b>03/15/2004</b>
APPLICANT(S) FOR DO/EO/US <b>MAX FRIEDHEIM</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>60/553,576</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US05/08705</b>		ATTORNEY'S DOCKET NUMBER <b>1776-013 (PCT)</b>	
20. Other items or information:  <b>Returned Postcard.</b>					
21. <input checked="" type="checkbox"/> The following fees have been submitted				<b>CALCULATIONS      PTO USE ONLY</b>	
Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 100.00	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 600.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(i)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	\$	
Total claims	<b>40 - 20 =</b>	<b>20</b>	<b>x \$ 50</b>	<b>\$ 1,000.00</b>	
Independent claims	<b>4 - 3 =</b>	<b>1</b>	<b>x \$200</b>	<b>\$ 200.00</b>	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			<b>+ \$360</b>	<b>\$</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1,800.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				<b>(= \$900.00)</b>	
<b>SUBTOTAL =</b>				<b>\$ 900.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 900.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 900.00</b>	
				Amount to be refunded:	\$
				Amount to be charged	\$

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- a. ☒ A check in the amount of \$ 900.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Joseph R. Evanns  
EVANNS & WALSH  
119 North San Vicente Blvd.  
Beverly Hills, CA 90211

  
SIGNATURE

Joseph R. Evanns

NAME

25,676

REGISTRATION NUMBER





Pike Expedition, November 1806, Rocky Mountains

Law Offices  
Evans & Walsh  
119 N. San Vicente Blvd. #206  
Beverly Hills, CA 90211

JOSEPH R. EVANS ATTORNEY AT LAW

118 N. SAN VICENTE BLVD. #206  
BEVERLY HILLS, CA 90211  
310-273-0938

7954

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ORDER OF

DATE

9-12-06

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JOSEPH R. EVANNS ATTORNEY AT LAW

118 N. SAN VICENTE BLVD. #206  
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Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

9-12-06

Date

Please acknowledge Receipt of the enclosed:

1) Preliminary Amendment  
2) Transmitted Letter to Examiner  
3) Subpoena under 35 USC 877  
3) Check \$900.00

Check # 7953 Amt # \$900.00

TWGM: 4503108705

REG: 60333,576

DOCKET: 1776-013

EVANNS & WALSH

pct  
us  
appl  
pct  
Freeman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(PCT)**

In re Application of:

**MAX FRIEDHEIM**

International Application  
No. PCT/US05/08705

U.S. Application No.: 60/553,576  
(Provisional)

I.A. FILING DATE: 03/15/2005

PRIORITY DATE: 03/15/2004  
FOR: IMPROVED HIGHLY  
SUPERHEATED VAPOR GENERATOR  
SYSTEM AND METHOD

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit 1746

PRELIMINARY AMENDMENT

*EQ 35368*  
1 "Express Mail" mailing label No. *1237 US*  
Date of Deposit *9/13/06* I hereby certify that  
this paper or fee is being deposited with the U.S.  
Postal Service "Express Mail Office to Addressee,"  
under 37 CFR 1.10 on the dated indicated above in  
an envelope addressed to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450

*John G. Gifford*

Kindly file the within Preliminary Amendment in the national prosecution of  
the subject patent application in the U.S. Patent and Trademark Office.

## STATUS OF CLAIMS

### WHAT IS CLAIMED IS:

Claim 1. (Original). A highly superheated vapor generation system comprising:

- (1) at least one at least one superheated vapor generating chamber for generating superheated vapor from liquid;
- (2) at least one output for output of superheated vapor from said at least one superheated vapor generating chamber; and
- (3) means coupleable to said output for further heating said output superheated vapor from said at least one superheated vapor generating chamber.

Claim 2. (Original). The invention as set forth in Claim 1 further including conduit means for superheated vapor from said at least one superheated vapor generating chamber, said heating means being in energy transfer contact with said conduit means whereby said heating is substantially accomplished.

Claim 3. (Original). The invention as set forth in Claim 1 further including conduit means for superheated vapor from said superheated generating chamber, said heating means being in thermal contact with said conduit means whereby said heating is substantially accomplished.

Claim 4 (Original). The invention as set forth in Claim 1 further including control means for controlling dissemination of superheated vapor from said at least one superheated vapor generating chamber.

Claim 5. (Original). The invention as set forth in Claim 4 wherein said control means includes said conduit means.

Claim 6. (Original). The invention as set forth in Claim 2 wherein said heating means is connectable to at least one power source.

Claim 7. (Original). The invention as set forth in Claim 4 wherein said control means comprises means for controlling input of liquid to said at least one superheated vapor generating chamber whereby production of superheated vapor is controllable.

Claim 8. (Original). The invention as set forth in Claim 1 wherein said heating means comprises at least one heating element thermally contactable with said output from said at least one superheated vapor generating chamber.

Claim 9. (Original). The invention as set forth in Claim 3 wherein said heating means comprises at least one heating element thermally contactable with said conduit means.

Claim 10. (Original). The invention as set forth in Claim 9 wherein said at least one heating element comprises at least one wire in contact with at least a portion of said conduit means for generating heat upon flow of electric current in said at least one wire.

Claim 11. (Original). The invention as set forth in Claim 3 further including at least one nozzle member detachably attachable to said conduit means.

Claim 12. (Original). The invention as set forth in Claim 1 further including at least one input for input of liquid for vaporization by said at least one superheated vapor generating chamber.

Claim 13. (Original). The invention as set forth in Claim 1 wherein said further heated superheated vapor has a higher temperature than the temperature of said output superheated vapor prior to said further heating thereof.

Claim 14. (Original). The invention as set forth in Claim 13 wherein said further heated superheated vapor has a temperature substantially in the range 1500 ° F - - 2000 ° F.

Claim 15. (Original). The invention as set forth in Claim 13 where said further superheated vapor has a temperature in excess of 2000 ° F.

Claim 16. (Original). The invention as set forth in Claim 13 wherein the temperature of said further heated superheated vapor exceeds the temperature of said output superheated vapor prior to said further heating thereof by substantially at least 1000 ° F.

Claim 17. (Original). The invention as set forth in Claim 9 further including at least one handle member enclosing at least a portion of said conduit means.

Claim 18. (Original). The invention as set forth in Claim 17 further including insulation means within said handle member for insulating said handle from said superheated vapor.

Claim 19. (Original). The invention as set forth in Claim 18 wherein said insulation means comprises at least one sheath member composed of thermally insulative material.

Claim 20. (Original). The invention as set forth in Claim 16 wherein said output superheated vapor prior to said further heating has a temperature substantially in the range of 500 ° F - - 650 ° F.

Claim 21. (Original). The invention as set forth in Claim 1 wherein at least a portion of said superheated vapor comprises steam.

Claim 22. (Original). A method for providing highly superheated vapor comprising the steps of:

- (1) providing superheated vapor; and
- (2) further heating said superheated vapor.

Claim 23. (Original). The method is set forth in Claim 22 wherein the temperature of said further heated superheated vapor exceeds the temperature of said superheated vapor prior to said further heating thereof by substantially at least 1000 ° F.

Claim 24. (Original). The method as set forth in Claim 22 wherein said further superheated vapor has a temperature in excess of 2000 ° F.

Claim 25. (Original). The method as set forth in Claim 22 wherein said further heated superheated vapor has a temperature substantially in the range 1500 ° F - - 2000 ° F.

Claim 26. (Original). The method as set forth in Claim 22 wherein said superheated vapor prior to said further heating has a temperature substantially in the range of 500 ° F - - 650 ° F.

Claim 27. (Original). The method as set forth in Claim 22 wherein at least a portion of said superheated vapor comprises steam.

Claim 28. (Original). In a superheated vapor generating system including at least one superheated vapor generator, the improvement comprising means for further heating superheated vapor from said at least one superheated vapor generator.

Claim 29. (Original). The invention as set forth in Claim 28 wherein said further heated superheated vapor has a temperature substantially in the range 1500 degrees F-2000 degrees F.

Claim 30. (Original). The invention as set forth in Claim 28 wherein said further superheated vapor has a higher temperature than the temperature of said superheated vapor prior to said further heating thereof.

Claim 31. (Original). The invention as set forth in Claim 28 wherein said further heated superheated vapor has a temperature in excess of 2000 degrees F.

Claim 32. (Original). The invention as set forth in Claim 28 wherein the temperature of said further heated superheated vapor exceeds the temperature of said superheated vapor prior to said further heating thereof by substantially at least 1000 degrees F.

Claim 33. (Original). The invention as set forth in Claim 28 wherein said superheated vapor prior to further heating has a temperature substantially in the range 500 degrees F-650 degrees F.

Claim 34. (Original). The invention as set forth in Claim 28 wherein at least a portion of said superheated vapor comprises steam.



Claim 35. (Original). In a process for providing superheated vapor, the improvement comprising further heating superheated vapor provided by said process.

Claim 36. (Original). The process as set forth in Claim 35 wherein the temperature of said further heated superheated vapor exceeds the temperature of said superheated vapor prior to said further heating thereof by substantially at least 1000 degrees F.

Claim 37. (Original). The process as set forth in Claim 35 wherein said further superheated vapor has a temperature in excess of 2000 degrees F.

Claim 38. (Original). The process as set forth in Claim 35 wherein said further superheated vapor has a temperature substantially in the range 1500 degrees F - 2000 degrees F.

Claim 39. (Original). The process as set forth in Claim 35 wherein said superheated vapor prior to said further heating has a temperature substantially in the range of 500 degrees F - 650 degrees F.

Claim 40. (Original). The process as set forth in Claim 35 wherein at least a portion of said superheated vapor comprises steam.

Claims 1-40 inclusive are hereby filed (Sec. A above) for the purpose of providing status of claims, and are incorporated by reference herein.

- - REMARKS - -

The IPEA Search Report and Opinion rendered by the U.S. Examiner finds all claims (1-40, inclusive) have novelty.

Applicant respectfully traverses the IPEA Search Report and Opinion to the extent that it finds an alleged lack of "inventive step" as to all claims 1-40, inclusive.

The Search Report and Opinion alleges that Claims 1-40, inclusive, lack "inventive step" as being obvious over Friedheim U.S. Pat. No. 5,471,556 in view of OHNISHI et al (U.S. Pat. No. 5,186,120) or SHINAGAWA et al (U.S. Pat. No. 5,832,177). Applicant respectfully traverses this contention.

The SHINAGAWA et al device is wholly distinct and different from Applicant's invention. In SHINAGAWA et al, the system is used to obtain ordinary (not superheated) steam from a boiler in such a manner as to retain its output temperature from the boiler to and including its final destination. The temperature ranges referred to in SHINAGAWA et al are 200° - 300° F not 500°F plus as in Applicant's invention. The difference between ordinary steam and superheated steam in terms of handling and in terms of effectiveness for particular tasks is obvious and apparent.

Nowhere in the Shinagawa et al reference does there appear any reference to, or any suggestion of, the feasibility or desirability of further heating superheated steam.

All that may be found in the cited reference is heating of steam (not superheated steam) to maintain its temperature, not --as in Applicant's invention-- to increase its temperature (the Shinagawa et al steam temperature being small relative to the temperature of the superheated steam in Applicant's invention).

Clearly, the cited reference of SHINAGAWA et al cannot support a finding of obviousness when sought to be combined with Friedheim '556. In the first instance, such attempt to combine references is thoroughly a patchwork, an attempt to graft apples onto oranges, the two devices being wholly different, with different purposes, different functions, and different results. Thus, this is not only prohibited hindsight reconstruction but it is a combination which would be totally contraindicated in view of the fact that it is merely conceptual and could not support any type of functioning device or conception of a functioning device.

In the second instance, there is no suggestion, or teaching, in the references taken singly or in combination which would justify or indicate the combining of the references in this manner.

The contrast between the purposes and functions of the Applicant's invention and those of the SHINAGAWA et al, reference could not be more stark: whereas, in the Applicant's invention heating is applied to output superheated steam for the purpose of raising its temperature, in SHINAGAWA et al output steam (definitely non-superheated steam) heating is applied for the purpose of temperature stabilization, not temperature increase. Notably, the temperature relationships show that as far as the SHINAGAWA et al device is concerned the temperatures could all be equal as opposed to one temperature's being larger than the other. This is shown by the mathematical symbols which occur between the three different temperature symbols  $T^t < T_p < T_m$ , meaning, of course, that the temperatures could all be equal. Clearly, this is totally at variance in function and structure as well as purpose from the Applicant's invention.

The purpose of the temperature relations in the SHINAGAWA et al device, (i.e.,  $T^t < T_p < T_m$ ) is preventing "temperature reduction due to adiabatic

cooling at the orifice in the mass - flow controller and the resultant condensation of steam passing through the orifice ..." SHINAGAWA et al, Col. 6, lines 11-14. (Emphasis added). Of course, this is wholly different from the purpose and the effect of the further heating of superheated steam following its issuance from the vaporization chamber in the Applicant's invention, which is to obtain the benefits of increased temperature - - less moisture, greater cleaning effectiveness, among others.

Accordingly, the attempt to combine the Friedheim '556 reference and the SHINAGAWA et al reference, is impermissible and doomed to failure rendering the allegation of obviousness clearly erroneous. See e.g. In re Rouffat, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) ("To prevent the use of hindsight based on the invention to defeat patentability of the invention, this Court requires the Examiner to show motivation to combine the references that create the case of obviousness."); SmithKline Diagnostics, Inc. v. Helena Laboratories, Corp., 859 F.2d 878, 8 USPQ2d 1468 (Fed. Cir. 1998) ("A challenger of the validity of a patent cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention."); see also, In re Wright, 848 F.2d 1216, 6 USPQ2d 1959 (Fed. Cir. 1988) ("Claimed subject matter was not obvious in view of prior art that suggested placing a core pin in a cylindrical vial for another purpose (increasing the visibility of the bubble)." (Emphasis added).

Regarding the OHNISHI et al reference, that reference cannot be validly combined with Friedheim '556 to render obvious Applicant's invention.

It is clear that the thrust and purpose of the device in OHNISHI et al is to stabilize and control temperature at various different stages of a process for producing solid materials for forming a thin film of high temperature superconductor, as disclosed in the quoted passages, *infra*.

"On the other hand, a recently discovered solid material for forming a thin film of an oxide high-temperature superconductor is hardly gasified around the room temperature, and a high temperature of at least 100° C, is required for gasifying this material. In order to employ such a solid raw material, it is necessary to prevent precipitation of the raw material gas by maintaining the gas supply system at a temperature higher than the gasification temperature. Further, it is also necessary to prevent the gas supply system from abnormal temperature rise, to thereby prevent irregular reaction of the raw material gas. Thus, the gas supply system must be controlled within a prescribed temperature range.

"However, respective components of the gas supply system are different in heat capacity from each other. If the temperatures of the components of the gas supply system are commonly controlled by a single temperature control part, therefore, large temperature differences are caused between the components. As the result, it is impossible to control the overall gas supply system within the aforementioned prescribed temperature range, and hence precipitation is caused by low temperatures or irregular reaction etc. is caused by high temperatures. Thus, it has been impossible to stably supply the gas." OHNISHI et al, col's 1 - 2, lines 56-67, 1-12.

Further, as in the case of the SHINAGAWA et al reference, the heat transfer is for purposes of stabilization and control of gas temperature, not for the purpose of increasing the temperature of superheated steam. As in the SHINAGAWA et al reference, temperatures are controlled to be as clearly stated in the OHNISHI et al reference: "According to this mixture thin film forming apparatus, the set temperatures T1, T2, T3, and T4 of the first sublimation chamber 1, the first gas deriving pipe 2, the gas mixing part 3, and the gas transport system 4 are controlled to exceed the gasification temperature of the first solid raw material A in the gas passage of the first

raw material gas, to prevent precipitation of the first raw material gas."  
OHNISHI et al, col. 4, lines 19-26. (Emphasis added).

In addition, as stated in OHNISHI et al: "The temperatures are controlled to be gradually increased ( $T_1 < T_2 < T_3 < T_4$ ) in the gas passage for the second raw material B, whereby the temperature distribution within the passages for carrying the raw material gases can be stabilized for temperature control."  
OHNISHI et al, Col. 4, lines 44-48. (Emphasis added).

Once again, as in the SHINAGAWA et al reference, the alleged heating need not increase temperature (witness the "smaller than or equal to" mathematical symbols) but merely need to stabilize the temperatures. Moreover, there is no analogue to the Applicant's invention element whereby a vaporization chamber produces superheated vapor, which is then heated to a greater temperature after its issuance therefrom. In OHNISHI et al, the heating is done prior to the input to a chamber 1 which causes gasification of a selected material for the purpose of the deposit of a substrate of the material in the chamber.

Accordingly, there is no suggestion or motivation in the art cited for combining OHNISHI et al with Friedheim `556, the purpose, function, and results of the OHNISHI et al device and method being wholly distinct from and unrelated to the purpose, function and results of Friedheim `556 and of the Applicant's invention. In re Wright, supra. Consequently, the allegation that the combination of Friedheim `556 and OHNISHI et al renders Applicant's invention obvious is clearly erroneous.

The independent claims being unobvious, the remaining dependent claims are unobvious as well.

On the basis of the foregoing it is respectfully submitted that the rejections of all claims should be reconsidered and withdrawn and that all claims should be allowed.

Respectfully submitted  
EVANNS & WALSH

Date: September 12, 2006

  
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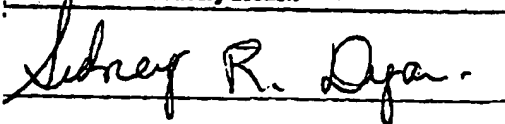


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M	<i>Patricia Lopez</i>					
OF	<i>PTD on reference to</i>					
PHONE/ MOBILE	<i>Case #10528-R84</i>					
MESSAGE	<i>They did vacate</i>					<input type="checkbox"/> TELEPHONED
	<i>on "abandonment</i>					<input checked="" type="checkbox"/> RETURNED YOUR CALL
	<i>on 6/13 prior to a</i>					<input type="checkbox"/> PLEASE CALL
	<i>decision from legal</i>					<input type="checkbox"/> WILL CALL AGAIN
	<i>we were due on</i>					<input type="checkbox"/> CAME TO SEE YOU
	<i>less 9/15 they</i>					<input type="checkbox"/> WANTS TO SEE YOU
SIGNED	<i>a</i>					1154

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	<i>for 9/27.</i>					<input type="checkbox"/> PLEASE CALL
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SIGNED	<i>her at</i>					1154

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